

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK HEINRICHS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO BANK N.A.,

Defendant.

No. C 13-05434 WHA

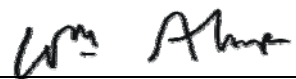
**ORDER DENYING MOTION TO
DISMISS AND TO STRIKE CLASS
ALLEGATIONS AS MOOT AND
VACATING HEARING**

On December 18, 2013, defendant filed a motion to dismiss or in the alternative, to strike class allegations (Dkt. No. 4). The motion was set for hearing on February 13, 2014. On January 15, 2014, plaintiff filed an amended complaint, as permitted under Federal Rule of Civil Procedure 15(a).

“[T]he general rule is that an amended complaint supersedes the original complaint and renders it without legal effect” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). Accordingly, defendant’s motion is **DENIED AS MOOT**. The hearing set for February 13, 2014, is **VACATED**. This, however, is without prejudice to defendant should it wish to file another motion to dismiss or to strike class allegations, noticed for hearing on a 35-day track. In addition, the case management conference will still proceed **11 AM ON FEBRUARY 11, 2014**.

IT IS SO ORDERED.

Dated: January 27, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE